

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, MAY 10, 2005

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
April 22, 2005

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 2002 Detroit Avenue (Rep. District #8)

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated December 19th, 2004. The building was found to be in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Lupe G. Avina, 1612 Bernard Kern Drive, El Paso, Texas 79936.
- 3) Certified notices of the public hearing scheduled for May 10th, 2005 were mailed to the owners and all interested parties on April 25th, 2005.
- 4) There has been no response from the owner.

The Department recommends that it be found:

- 1) That the main structure and accessory building be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the buildings are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can be repaired; and
- 5) That the main structure and accessory building be secured and maintained secured within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days.

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: BUILDING PERMITS AND INSPECTIONS

AGENDA DATE: MAY 10, 2005

CONTACT PERSON/PHONE: TOM MAGUIRE 541-4800

DISTRICT(S) AFFECTED: 8

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

APPROVE A RESOLUTION TO DECLARE THE PROPERTY AT 2002 DETROIT AVENUE UNFIT FOR USE OR HABITATION AND A HAZARD TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

APPROVE, DISAPPROVE OR POSTPONE DEPARTMENT RECOMMENDATIONS.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

COST OF ACTION TO BE BILLED TO OWNER IF COUNCIL ORDER NOT COMPLIED WITH, LIEN PLACED ON PROPERTY, IF NECESSARY.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: T. Maguire
(Example. if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, P.E.
DIRECTOR



copy
CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

BUILDING PERMITS & INSPECTIONS DEPARTMENT

HOUSING COMPLIANCE

January 3, 2005

Lupe G. Avina
1612 Bernard Kern Dr.
El Paso, Texas 79936-5602

Re: 2002 Detroit Ave.
Lots: 28 & 29 & W 2/3 of 27
Blk: 16, Highland Park
Zoned: R-5
COD04-19743
Certified Mail Receipt #
7004 1160 0007 2325 9245

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or

2002 Detroit Avenue

- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 2002 Detroit Avenue has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.

2002 Detroit Avenue

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read 'Leo CassoLopez', written in a cursive style.

Leo CassoLopez
Building Inspector

LC/rl

7004 1160 0007 2325 9245

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$ 0.42 LC

Certified Fee [scribble]

Return Receipt Fee (Endorsement Required) [scribble]

Restricted Delivery Fee (Endorsement Required) [scribble]

Postmark Here

Lupe G. Avina
 1612 Bernard Kern Dr.
 El Paso, Texas 79936-5602
 Re: 2002 Detroit Avenue

PS Form 3811, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>FRAN SOTO</u> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to: <u>LC</u></p> <p>Lupe G. Avina 1612 Bernard Kern Dr. El Paso, Texas 79936-5602 Re: 2002 Detroit Avenue</p> <p><u>LK #3</u></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label) <u>7004 1160 0007 2325 9245</u></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 10th day of May, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2002 Detroit Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 28 and 29 and the West 2/3 of Lot 27, Block 16, Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 54, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Lupe G. Avina, 1612 Bernard Kern Drive, El Paso, Texas 79936-5602, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 12th day of April, 2005.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lisa A. Hayes
Assistant City Attorney

Tom Maguire
Housing Compliance Supervisor

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property located at 2002 Detroit Avenue, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this ____ day of _____, 2005 on behalf of
the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this ____ day of _____, 2005.

Notary Public

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property located at 2002 Detroit Avenue, was PUBLISHED in the official City newspaper on the ____ day of _____, 2005.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Lupe G. Avina
1612 Bernard Kern Drive
El Paso, Texas 79936-5602

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Lupe G. Avina
2002 Detroit Avenue
El Paso, Texas 79902

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Miguel F. Avina
3132 Carpenter Road
Stockton, CA 95205-8006

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Miguel F. Avina
2002 Detroit Avenue
El Paso, Texas 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Roberto A. Avina
2002 Detroit Avenue
El Paso, Texas 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

David R. Avina
2002 Detroit Avenue
El Paso, Texas 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Laura M. Avina
2002 Detroit Avenue
El Paso, Texas 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Miguel F. & Lilia E. Avina
C/O CY Avina
P. O. Box 1514
Helotes, TX 78023-1514

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Roberto Avina
P. O. Box 1316
El Paso, Texas 79947-1316

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Miguel F. Avina
437 De Leon Dr.
El Paso, Texas 79912

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 12th, 2005 regarding the property at 2002 Detroit Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 2002 Detroit Avenue, El Paso, Texas.


Date: _____
Time: _____

Inspector

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

MEMORANDUM

DATE: January 12, 2005
MEMO TO: Tom Maguire, Housing Compliance Supervisor
FROM: Jorge Ramirez, Sr. Environmental Health Inspector 
SUBJECT: Condemnation Report
RE: 2002 Detroit Ave. 79902

An inspection of the property was conducted on January 12, 2005, and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA:
N/A

SECTION 9.04.340 - ACCUMULATIONS:
N/A

SECTION 9.16 - NUISANCE:
N/A

SECTION 9.16.010 - DESIGNATED:
N/A

SECTION 9.28 - RAT CONTROL:
The property consists of two structures. The buildings are decaying and partially open.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 20, 2005

REP. DISTRICT: 8

ADDRESS: 2002 Detroit Ave.

ZONED: R-5

LEGAL DESCRIPTION: Lots: 28 and 29 and the West 2/3 of Lot 27, Block 16, HIGH PARK ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 1, Page 54, Plat Records of El Paso County, Texas

OWNER: Lupe G. Avina

ADDRESS: 1612 Bernard Kern Dr., El Paso, Texas 79936

BUILDING USE: Single-family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Unable to determine.

CONDITION: Unable to determine condition due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: Ruble stone and mortar.

CONDITION: Bad, there are several cracks on the foundation walls. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood frame with wood planks.

CONDITION: Unable to determine condition due to floor covering. A structural engineer should be hired to evaluate actual condition.

EXTERIOR WALLS: Masonry :

HEIGHT: +/- 10' - 0"

THICKNESS: +/- 8"

CONDITION: Bad, there are several cracks on the walls and most of the brick's mortar needs to be "tuck-pointed". A structural engineer or licensed and bonded contractor should be hired to determine the damage and make repairs.

INTERIOR WALLS & CEILINGS: Wood frame, sheetrock and plaster.

CONDITION: Bad, a licensed and bonded contractor should be hired to make repairs.

ROOF STRUCTURE: Wood frame with build-up roofing.
CONDITION: Bad, a licensed and bonded contractor should be hired to determine any damage and make repairs.

DOORS, WINDOWS, ETC.: Wood frame doors and aluminum frame windows.
CONDITION: Some of the doors need to be replaced and most of the windows are broken and inoperable

MEANS OF EGRESS: Does not meet code.

PLUMBING: Bad. Will require a licensed plumbing contractor to verify condition and make repairs to meet code.

ELECTRICAL: Bad. Will require a licensed electrical contractor to verify condition and make repairs to meet code.

MECHANICAL: Bad. Will require a licensed mechanical contractor to verify condition and make repairs to meet code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.:

REMARKS: This property consist of the main house and a small apartment in the rear of the property. We recommend that a structural engineer or a boned and insured contractor be hired to make recommendation on all repairs of the structures, if the structures are to be rehabilitated, the building, electrical, plumbing and mechanical systems need to be brought up to current code. If the structures are not rehabilitated, we recommend that the structures be secured and maintained secured until rehabilitated and the property cleaned of all weeds, trash and debris.



Leo CassoLopez
Building Inspector